

REMARKS

Claims 1-9 and 11-37 are pending. Claim 10 has been canceled. No claims have been allowed.

Applicants have amended the Abstract responsive to the Examiner's objection.

The Examiner rejected Claims 1-37 under 37 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,623,078 to Chu et al. ("Chu et al. '078").

Chu et al. '078 discloses chair 10, shown in Figs. 1-3, including base 11, seat arrangement 14, and back arrangement 22. Back arrangement 22 includes a back frame structure 21 having a pair of upright frame members 31 including lower free end parts 34 attached beneath seat arrangement 14. As shown in Figs. 4-6, frame members 31 also include upper curved portions 36 attached to the ends of horizontal rod members 41 of cross bar 38. Back shell 23 is attached to rod members 41 of cross bar 38 via a pair of spaced journals 46, and a spring arrangement 56 allows limited forward/rearward pivoting movement of back shell 23 via journals 46 about horizontal rod members 41 of cross bar 38 in the manner discussed at col. 3, line 64 through col. 4, line 53. As shown in Figs. 7-9 and discussed at col. 4, line 54 through col. 6, line 62, chair 10 additionally includes a pair of chair arms 61 vertically adjustably mounted on support tubes 33 of frame members 31.

Applicants respectfully submit that independent Claims 1, 11, 18, 23 and 31 are not anticipated by Chu et al. '078 because Chu et al. '078 fails to disclose each and every element called for in the foregoing independent claims. In particular, Chu et al. '078 fails to disclose a chair including a pair of uprights to which a backrest is connected, wherein the backrest is selectively positionable along the uprights, as called for in independent Claims 1, 11, and 23, has means for selectively positioning the backrest along the uprights, as called for in independent Claim 18, or wherein the backrest is telescopingly movable along the uprights, as called for in independent Claim 31.

Chu et al. '078, by contrast, discloses a chair 10 having a backrest arrangement 22 including a back shell 23 mounted for limiting pivotal movement via journals 46 to horizontally extending rod portions 41 of cross bar 38. Back shell 23 is not mounted to upright frame members 31 of chair 10 and further, back shell 23 is not selectively positionable or telescopingly movable along upright frame members 31.

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Further, because Claims 2-9, 12-17, 19-22, 24-30 and 32-37 depend from independent Claims 1, 11, 18, 23 and 31, respectively, Applicants respectfully submit that Claims 2-10, 12-17, 19-22, 24-30 and 32-37 are also not anticipated by Chu '078.

U.S. Patent Nos. 6,705,678 and 6,811,224 to Albright et al. and Roney et al., respectively, which were disclosed in the Information Disclosure Statement filed by Applicants on July 8, 2005, each disclose chairs having a pair of uprights 14 upon which mounting parts 27 of back member 21 are received, such that the positions of mounting parts 27 along uprights 14 and, in turn, the height of vertical height of back member 21 may be adjusted. The chairs also include a pair of arm rest assemblies 13 which are disposed above mounting parts 27 of back member 21 and which include portions that are telescoping and vertically adjustably receivable within the upper ends of uprights 14.

Applicants respectfully submit that independent Claims 1, 11, 18, 23 and 31, as amended, are patentable over Albright et al. '678 and Roney et al. '224 because the foregoing references fail to disclose a chair having a brace member connecting upper end portions of the uprights, the brace member extending behind the backrest, as called for in Claim 1; a backrest having a pair of mount sleeves disposed on the uprights above the mount sleeves of the armrests, as called for in Claims 11 and 31; a backrest mounted to the uprights at respective locations on the uprights which are disposed above the armrests, as called for in Claim 18; and a backrest connected between the uprights at respective locations on the uprights which are disposed above the armrests, as called for in Claim 23.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 29, 2005

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

September 29, 2005

Date